

February 21, 1992
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

PROPOSED AMENDMENTS TO CHARTER SECTION 55 - DEDICATED PARK LAND

Pursuant to the request of Deputy Mayor Roberts, certain potential changes have been suggested for Charter Section 55. At the council meeting on February 18, the matters were discussed and the remaining issues are as follows:

Issue No. 1

Paragraph 2 of the draft strikes the words "or later ratified." This office sees no legal or practical problem with such proposed change, with the possible exception of issues arising from the current legal controversy over the Mt. Soledad cross. That matter will perhaps be resolved by the electorate's vote on the Mt. Soledad matter in June.

Issue No. 2

It is proposed to add language to Charter Section 55 to provide for an annual inventory of park land to read as follows:

The City Council shall annually review the inventory of all real property owned in fee by the City which has been set aside or designated by City Council action for park and recreation purposes without being formally dedicated by ordinance to such purposes. Following such annual review the City Council shall officially dedicate any such previously undedicated land for park and recreation purposes unless such dedication is deemed contrary to the public interest. The decision of the City Council shall be final and conclusive. This provision shall not apply to lands owned by the City's Water utility.

Issue No. 3

The last proposed change to Charter Section 55 involves establishing roads in parks and the proposed language is as follows:

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may by

a two-thirds vote of the Council, without a vote of the people, authorize the realignment or widening of existing streets and highways through dedicated park land to protect the public health or safety, or if such actions are needed primarily to service the needs of visitors to the park. A simple majority vote of the electorate shall, however, be required to authorize the dedication and construction of any new public road or street through dedicated public parks except where such new road or street is found by the Council, after a public hearing, to be needed primarily to service the needs of visitors to the park. This finding shall require a two-thirds vote of the Council.

Attachment 1 shows the future proposed roads which would be affected by the proposed change. A strikeout and added language version of Section 55 is attached as Attachment 2.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachments 2
RC-92-21